REMARKS

Claims 1-58 were pending and stand rejected. Claims 1, 18, 35 and 52 are amended. Claims 2, 19 and 36 are canceled. Claims 59-64 are new. Claims 1, 3-18, 20-35, 37-64 are pending.

Interview Summary

On November 10, 2009, the Examiner and Robert R. Sachs had an in-person interview during which they discussed the independent claims with respect to cited references. An agreement was reached that claims 2, 14, 15, and 16 (and corresponding dependent claims 19, 31-33, 36, and 48-50) were allowable; thus independent claims 1, 35 and 52 have been amended. New claims 59-64 are introduced. The arguments set forth during the interview are summarized below.

Response to Rejection Under 35 USC §103(a)

Claims 1-58 were rejected under 35 USC §103(a) as being unpatentable over Naito et al. (U.S. Patent No. 6,690,732) in view of Kazui et al. (U.S. Patent No. 5,642,174). This rejection is respectfully traversed.

Claim 1 recites a method of encoding a video image using scene change detection during the encoding process, without first decoding the compressed image in order to identify the scene change, and without changing the frame type. For example, as amended, claim 1 recites:

> receiving a plurality of macroblocks for an uncompressed image;
> determining a macroblock type for each macroblock;
> determining whether the image represents a scene change based upon a distribution of macroblock types of the macroblocks and the frame type of the image,

wherein **the scene change is determined as a function of a percentage of prediction macroblocks in the image;**

encoding the image without changing the frame type of the image in response to the determination of a scene change and the frame type of the image; and

outputting the encoded image.

The Examiner agreed that during interview that Naito and Kazui, individually and in combination, do not disclose or teach encoding the image without changing the frame type of the image in response to a scene change determination. The Examiner previously acknowledged that Naito does not teach determining the macroblock type and distribution of macroblock types, and depends on Kazui to allegedly disclose the claimed feature. However, Kazui does not remedy the deficiencies of Naito.

Kazui discloses a scene change detecting device, where Kazui does the detection after an image has been compressed (Abstract and Fig. 1). Further, Kazui does not disclose determines a scene change as a function of a percentage of prediction macroblocks in the image. In contrast, the claimed invention detects a scene change during the encoding process, without first decoding the compressed image in order to identify the scene change, and without changing the frame type.

Therefore, claim 1 is patentable over the cited references.

Claims 18, 35 and 52 recite similar language as to claim 1. For at least the reasons above, the Applicants submit that claims 18, 35 and 52 are patentable over the cited references. Claims 3-17, 20-34, 37-51 and 53-58 either directly or indirectly depend from their base claims. These dependent claims also recite additional features not disclosed by the cited references. Thus, the Applicants submit claims 3-17, 20-34, 37-51 and 53-58 are patentably distinguishable over the cited references.

New independent claims 59-61 corresponds to claims 14-15 in independent form, which are allowable as agreed by the Examiner. New independent claims 62-64 are corresponding computer program product claims.

In sum, the Applicants respectfully submit that pending claims are patentably distinguishable over the cited references. Therefore, the Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them. If the Examiner is in need to further information, he is invited to contact the undersigned agent at the telephone number provided below.

Respectfully submitted,
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